

1 AN ACT in relation to environmental matters.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Environmental Protection Act is amended
5 by changing Section 22.1 as follows:

6 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

7 Sec. 21. Prohibited acts. No person shall:

8 (a) Cause or allow the open dumping of any waste.

9 (b) Abandon, dump, or deposit any waste upon the public
10 highways or other public property, except in a sanitary
11 landfill approved by the Agency pursuant to regulations
12 adopted by the Board.

13 (c) Abandon any vehicle in violation of the "Abandoned
14 Vehicles Amendment to the Illinois Vehicle Code", as enacted
15 by the 76th General Assembly.

16 (d) Conduct any waste-storage, waste-treatment, or
17 waste-disposal operation:

18 (1) without a permit granted by the Agency or in
19 violation of any conditions imposed by such permit,
20 including periodic reports and full access to adequate
21 records and the inspection of facilities, as may be
22 necessary to assure compliance with this Act and with
23 regulations and standards adopted thereunder; provided,
24 however, that, except for municipal solid waste landfill
25 units that receive waste on or after October 9, 1993, no
26 permit shall be required for (i) any person conducting a
27 waste-storage, waste-treatment, or waste-disposal
28 operation for wastes generated by such person's own
29 activities which are stored, treated, or disposed within
30 the site where such wastes are generated, or (ii) a
31 facility located in a county with a population over

1 700,000, operated and located in accordance with Section
2 22.38 of this Act, and used exclusively for the transfer,
3 storage, or treatment of general construction or
4 demolition debris;

5 (2) in violation of any regulations or standards
6 adopted by the Board under this Act; or

7 (3) which receives waste after August 31, 1988,
8 does not have a permit issued by the Agency, and is (i) a
9 landfill used exclusively for the disposal of waste
10 generated at the site, (ii) a surface impoundment
11 receiving special waste not listed in an NPDES permit,
12 (iii) a waste pile in which the total volume of waste is
13 greater than 100 cubic yards or the waste is stored for
14 over one year, or (iv) a land treatment facility
15 receiving special waste generated at the site; without
16 giving notice of the operation to the Agency by January
17 1, 1989, or 30 days after the date on which the operation
18 commences, whichever is later, and every 3 years
19 thereafter. The form for such notification shall be
20 specified by the Agency, and shall be limited to
21 information regarding: the name and address of the
22 location of the operation; the type of operation; the
23 types and amounts of waste stored, treated or disposed of
24 on an annual basis; the remaining capacity of the
25 operation; and the remaining expected life of the
26 operation.

27 Item (3) of this subsection (d) shall not apply to any
28 person engaged in agricultural activity who is disposing of a
29 substance that constitutes solid waste, if the substance was
30 acquired for use by that person on his own property, and the
31 substance is disposed of on his own property in accordance
32 with regulations or standards adopted by the Board.

33 This subsection (d) shall not apply to hazardous waste.

34 (e) Dispose, treat, store or abandon any waste, or

1 transport any waste into this State for disposal, treatment,
2 storage or abandonment, except at a site or facility which
3 meets the requirements of this Act and of regulations and
4 standards thereunder.

5 (f) Conduct any hazardous waste-storage, hazardous
6 waste-treatment or hazardous waste-disposal operation:

7 (1) without a RCRA permit for the site issued by
8 the Agency under subsection (d) of Section 39 of this
9 Act, or in violation of any condition imposed by such
10 permit, including periodic reports and full access to
11 adequate records and the inspection of facilities, as may
12 be necessary to assure compliance with this Act and with
13 regulations and standards adopted thereunder; or

14 (2) in violation of any regulations or standards
15 adopted by the Board under this Act; or

16 (3) in violation of any RCRA permit filing
17 requirement established under standards adopted by the
18 Board under this Act; or

19 (4) in violation of any order adopted by the Board
20 under this Act.

21 Notwithstanding the above, no RCRA permit shall be
22 required under this subsection or subsection (d) of Section
23 39 of this Act for any person engaged in agricultural
24 activity who is disposing of a substance which has been
25 identified as a hazardous waste, and which has been
26 designated by Board regulations as being subject to this
27 exception, if the substance was acquired for use by that
28 person on his own property and the substance is disposed of
29 on his own property in accordance with regulations or
30 standards adopted by the Board.

31 (g) Conduct any hazardous waste-transportation
32 operation:

33 (1) without registering with and obtaining a permit
34 from the Agency in accordance with the Uniform Program

1 implemented under subsection (1-5) of Section 22.2; or
2 (2) in violation of any regulations or standards
3 adopted by the Board under this Act.

4 (h) Conduct any hazardous waste-recycling or hazardous
5 waste-reclamation or hazardous waste-reuse operation in
6 violation of any regulations, standards or permit
7 requirements adopted by the Board under this Act.

8 (i) Conduct any process or engage in any act which
9 produces hazardous waste in violation of any regulations or
10 standards adopted by the Board under subsections (a) and (c)
11 of Section 22.4 of this Act.

12 (j) Conduct any special waste transportation operation
13 in violation of any regulations, standards or permit
14 requirements adopted by the Board under this Act. However,
15 sludge from a water or sewage treatment plant owned and
16 operated by a unit of local government which (1) is subject
17 to a sludge management plan approved by the Agency or a
18 permit granted by the Agency, and (2) has been tested and
19 determined not to be a hazardous waste as required by
20 applicable State and federal laws and regulations, may be
21 transported in this State without a special waste hauling
22 permit, and the preparation and carrying of a manifest shall
23 not be required for such sludge under the rules of the
24 Pollution Control Board. The unit of local government which
25 operates the treatment plant producing such sludge shall file
26 a semiannual report with the Agency identifying the volume of
27 such sludge transported during the reporting period, the
28 hauler of the sludge, and the disposal sites to which it was
29 transported. This subsection (j) shall not apply to hazardous
30 waste.

31 (k) Fail or refuse to pay any fee imposed under this
32 Act.

33 (l) Locate a hazardous waste disposal site above an
34 active or inactive shaft or tunneled mine or within 2 miles

1 of an active fault in the earth's crust. In counties of
2 population less than 225,000 no hazardous waste disposal site
3 shall be located (1) within 1 1/2 miles of the corporate
4 limits as defined on June 30, 1978, of any municipality
5 without the approval of the governing body of the
6 municipality in an official action; or (2) within 1000 feet
7 of an existing private well or the existing source of a
8 public water supply measured from the boundary of the actual
9 active permitted site and excluding existing private wells on
10 the property of the permit applicant. The provisions of this
11 subsection do not apply to publicly-owned sewage works or the
12 disposal or utilization of sludge from publicly-owned sewage
13 works.

14 (m) Transfer interest in any land which has been used as
15 a hazardous waste disposal site without written notification
16 to the Agency of the transfer and to the transferee of the
17 conditions imposed by the Agency upon its use under
18 subsection (g) of Section 39.

19 (n) Use any land which has been used as a hazardous
20 waste disposal site except in compliance with conditions
21 imposed by the Agency under subsection (g) of Section 39.

22 (o) Conduct a sanitary landfill operation which is
23 required to have a permit under subsection (d) of this
24 Section, in a manner which results in any of the following
25 conditions:

- 26 (1) refuse in standing or flowing waters;
- 27 (2) leachate flows entering waters of the State;
- 28 (3) leachate flows exiting the landfill confines
29 (as determined by the boundaries established for the
30 landfill by a permit issued by the Agency);
- 31 (4) open burning of refuse in violation of Section
32 9 of this Act;
- 33 (5) uncovered refuse remaining from any previous
34 operating day or at the conclusion of any operating day,

1 unless authorized by permit;

2 (6) failure to provide final cover within time
3 limits established by Board regulations;

4 (7) acceptance of wastes without necessary permits;

5 (8) scavenging as defined by Board regulations;

6 (9) deposition of refuse in any unpermitted portion
7 of the landfill;

8 (10) acceptance of a special waste without a
9 required manifest;

10 (11) failure to submit reports required by permits
11 or Board regulations;

12 (12) failure to collect and contain litter from the
13 site by the end of each operating day;

14 (13) failure to submit any cost estimate for the
15 site or any performance bond or other security for the
16 site as required by this Act or Board rules.

17 The prohibitions specified in this subsection (o) shall
18 be enforceable by the Agency either by administrative
19 citation under Section 31.1 of this Act or as otherwise
20 provided by this Act. The specific prohibitions in this
21 subsection do not limit the power of the Board to establish
22 regulations or standards applicable to sanitary landfills.

23 (p) In violation of subdivision (a) of this Section,
24 cause or allow the open dumping of any waste in a manner
25 which results in any of the following occurrences at the dump
26 site:

27 (1) litter;

28 (2) scavenging;

29 (3) open burning;

30 (4) deposition of waste in standing or flowing
31 waters;

32 (5) proliferation of disease vectors;

33 (6) standing or flowing liquid discharge from the
34 dump site;

1 (7) deposition of:

2 (i) general construction or demolition debris
3 as defined in Section 3.160(a) of this Act; or

4 (ii) clean construction or demolition debris
5 as defined in Section 3.160(b) of this Act.

6 The prohibitions specified in this subsection (p) shall
7 be enforceable by the Agency either by administrative
8 citation under Section 31.1 of this Act or as otherwise
9 provided by this Act. The specific prohibitions in this
10 subsection do not limit the power of the Board to establish
11 regulations or standards applicable to open dumping.

12 (q) Conduct a landscape waste composting operation
13 without an Agency permit, provided, however, that no permit
14 shall be required for any person:

15 (1) conducting a landscape waste composting
16 operation for landscape wastes generated by such person's
17 own activities which are stored, treated or disposed of
18 within the site where such wastes are generated; or

19 (2) applying landscape waste or composted landscape
20 waste at agronomic rates; or

21 (3) operating a landscape waste composting facility
22 on a farm, if the facility meets all of the following
23 criteria:

24 (A) the composting facility is operated by the
25 farmer on property on which the composting material
26 is utilized, and the composting facility constitutes
27 no more than 2% of the property's total acreage,
28 except that the Agency may allow a higher percentage
29 for individual sites where the owner or operator has
30 demonstrated to the Agency that the site's soil
31 characteristics or crop needs require a higher rate;

32 (B) the property on which the composting
33 facility is located, and any associated property on
34 which the compost is used, is principally and

1 diligently devoted to the production of agricultural
2 crops and is not owned, leased or otherwise
3 controlled by any waste hauler or generator of
4 nonagricultural compost materials, and the operator
5 of the composting facility is not an employee,
6 partner, shareholder, or in any way connected with
7 or controlled by any such waste hauler or generator;

8 (C) all compost generated by the composting
9 facility is applied at agronomic rates and used as
10 mulch, fertilizer or soil conditioner on land
11 actually farmed by the person operating the
12 composting facility, and the finished compost is not
13 stored at the composting site for a period longer
14 than 18 months prior to its application as mulch,
15 fertilizer, or soil conditioner;

16 (D) the owner or operator, by January 1, 1990
17 (or the January 1 following commencement of
18 operation, whichever is later) and January 1 of each
19 year thereafter, (i) registers the site with the
20 Agency, (ii) reports to the Agency on the volume of
21 composting material received and used at the site,
22 (iii) certifies to the Agency that the site complies
23 with the requirements set forth in subparagraphs
24 (A), (B) and (C) of this paragraph (q)(3), and (iv)
25 certifies to the Agency that all composting material
26 was placed more than 200 feet from the nearest
27 potable water supply well, was placed outside the
28 boundary of the 10-year floodplain or on a part of
29 the site that is floodproofed, was placed at least
30 1/4 mile from the nearest residence (other than a
31 residence located on the same property as the
32 facility) and there are not more than 10 occupied
33 non-farm residences within 1/2 mile of the
34 boundaries of the site on the date of application,

1 and was placed more than 5 feet above the water
2 table.

3 For the purposes of this subsection (q), "agronomic
4 rates" means the application of not more than 20 tons per
5 acre per year, except that the Agency may allow a higher rate
6 for individual sites where the owner or operator has
7 demonstrated to the Agency that the site's soil
8 characteristics or crop needs require a higher rate.

9 (r) Cause or allow the storage or disposal of coal
10 combustion waste unless:

11 (1) such waste is stored or disposed of at a site
12 or facility for which a permit has been obtained or is
13 not otherwise required under subsection (d) of this
14 Section; or

15 (2) such waste is stored or disposed of as a part
16 of the design and reclamation of a site or facility which
17 is an abandoned mine site in accordance with the
18 Abandoned Mined Lands and Water Reclamation Act; or

19 (3) such waste is stored or disposed of at a site
20 or facility which is operating under NPDES and Subtitle D
21 permits issued by the Agency pursuant to regulations
22 adopted by the Board for mine-related water pollution and
23 permits issued pursuant to the Federal Surface Mining
24 Control and Reclamation Act of 1977 (P.L. 95-87) or the
25 rules and regulations thereunder or any law or rule or
26 regulation adopted by the State of Illinois pursuant
27 thereto, and the owner or operator of the facility agrees
28 to accept the waste; and either

29 (i) such waste is stored or disposed of in
30 accordance with requirements applicable to refuse
31 disposal under regulations adopted by the Board for
32 mine-related water pollution and pursuant to NPDES
33 and Subtitle D permits issued by the Agency under
34 such regulations; or

1 (ii) the owner or operator of the facility
2 demonstrates all of the following to the Agency, and
3 the facility is operated in accordance with the
4 demonstration as approved by the Agency: (1) the
5 disposal area will be covered in a manner that will
6 support continuous vegetation, (2) the facility will
7 be adequately protected from wind and water erosion,
8 (3) the pH will be maintained so as to prevent
9 excessive leaching of metal ions, and (4) adequate
10 containment or other measures will be provided to
11 protect surface water and groundwater from
12 contamination at levels prohibited by this Act, the
13 Illinois Groundwater Protection Act, or regulations
14 adopted pursuant thereto.

15 Notwithstanding any other provision of this Title, the
16 disposal of coal combustion waste pursuant to item (2) or (3)
17 of this subdivision (r) shall be exempt from the other
18 provisions of this Title V, and notwithstanding the
19 provisions of Title X of this Act, the Agency is authorized
20 to grant experimental permits which include provision for the
21 disposal of wastes from the combustion of coal and other
22 materials pursuant to items (2) and (3) of this subdivision
23 (r).

24 (s) After April 1, 1989, offer for transportation,
25 transport, deliver, receive or accept special waste for which
26 a manifest is required, unless the manifest indicates that
27 the fee required under Section 22.8 of this Act has been
28 paid.

29 (t) Cause or allow a lateral expansion of a municipal
30 solid waste landfill unit on or after October 9, 1993,
31 without a permit modification, granted by the Agency, that
32 authorizes the lateral expansion.

33 (u) Conduct any vegetable by-product treatment, storage,
34 disposal or transportation operation in violation of any

1 regulation, standards or permit requirements adopted by the
2 Board under this Act. However, no permit shall be required
3 under this Title V for the land application of vegetable
4 by-products conducted pursuant to Agency permit issued under
5 Title III of this Act to the generator of the vegetable
6 by-products. In addition, vegetable by-products may be
7 transported in this State without a special waste hauling
8 permit, and without the preparation and carrying of a
9 manifest.

10 (v) (Blank).

11 (w) Conduct any generation, transportation, or recycling
12 of construction or demolition debris, clean or general, or
13 uncontaminated soil generated during construction,
14 remodeling, repair, and demolition of utilities, structures,
15 and roads that is not commingled with any waste, without the
16 maintenance of documentation identifying the hauler,
17 generator, place of origin of the debris or soil, the weight
18 or volume of the debris or soil, and the location, owner, and
19 operator of the facility where the debris or soil was
20 transferred, disposed, recycled, or treated. This
21 documentation must be maintained by the generator,
22 transporter, or recycler for 3 years. This subsection (w)
23 shall not apply to (1) a permitted pollution control facility
24 that transfers or accepts construction or demolition debris,
25 clean or general, or uncontaminated soil for final disposal,
26 recycling, or treatment, (2) a public utility (as that term
27 is defined in the Public Utilities Act) or a municipal
28 utility, ~~or~~ (3) the Illinois Department of Transportation, or
29 (4) a county highway department; but it shall apply to an
30 entity that contracts with a public utility, a municipal
31 utility, ~~or~~ the Illinois Department of Transportation, or a
32 county highway department. The terms "generation" and
33 "recycling" as used in this subsection do not apply to clean
34 construction or demolition debris when (i) used as fill

1 material below grade outside of a setback zone if covered by
2 sufficient uncontaminated soil to support vegetation within
3 30 days of the completion of filling or if covered by a road
4 or structure, (ii) solely broken concrete without protruding
5 metal bars is used for erosion control, or (iii) milled
6 asphalt or crushed concrete is used as aggregate in
7 construction of the shoulder of a roadway. The terms
8 "generation" and "recycling", as used in this subsection, do
9 not apply to uncontaminated soil that is not commingled with
10 any waste when (i) used as fill material below grade or
11 contoured to grade, or (ii) used at the site of generation.
12 (Source: P.A. 91-72, eff. 7-9-99; 92-574, eff. 6-26-02.)